



United States Mission to the OSCE

Statement of Response to the Representative on Freedom of the Media, Freimut Duve

As delivered by Deputy Chief of Mission, Douglas Davidson
to the Permanent Council, Vienna
January 23, 2003

Thank you Mr. Chairman.

Let me begin by thanking Mr. Duve for sharing his concerns with us. My government has always valued the important role of the Media Representative, and we consider seriously any questions posed to us by Mr. Duve's office.

Mr. Chairman, the legislation to which Mr. Duve refers is a response to the new situation in which we all find ourselves.

This war on terrorism requires our best efforts to preserve the liberties we all value and to respect the commitments we have entered into here at the OSCE.

The First Amendment to the United States Constitution reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The goal of the anti-terrorism legislation in the United States is to give investigators means to uncover threats to the rule of law without intruding on the civil liberties Americans highly value.

The law gives authorized officials access to specific information only under the condition that the persons to whom the records related were the subject of an investigation into international terrorism or clandestine intelligence.

Judicial safeguards and oversight remain in place to prevent the abuse of this authority.

This legislation has a very narrow focus and can only be implemented in specific and narrow cases after judicial review.

Even government access to public business records is limited unless the proper authorities can show that the subject under investigation is the subject of an authorized investigation into international terrorism or into clandestine intelligence activities.

Congress will oversee the implementation of these procedures to ensure adherence to our constitutional protections.

Mr. Chairman, nothing in the ordinance or the way it is enforced would allow the Government to limit access to materials protected under the First Amendment. Nor would an investigation be authorized solely upon the basis of activities protected by the First Amendment.

The First Amendment rights of libraries, and bookstores and their patrons, are protected under these ordinances and will not be abridged.

Mr. Duve knows my country well, and I address my next comments to him directly. My government recognizes fully the value of the First Amendment and the freedoms it guarantees to all Americans. We will always be cognizant of our duty to our citizens and to our posterity to preserve these values above all things.

I thank you Mr. Chairman.